

PEARSALL INDEPENDENT SCHOOL DISTRICT

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 03-66

Dear Ms. Dortch:

Pearsall Independent School District hold the WNC382 Group EBS license for the Charlotte, Texas market. I am writing on behalf of Pearsall Independent School District to express our support for the establishment of a thirty year maximum term for EBS excess capacity leases.

At present, we are in negotiating a new commercial lease of our excess capacity. During the course of our discussions with potential lessees, it has become evident that commercial broadband service providers have a strong preference for entering into a lease agreement of thirty years duration, and that they are willing to pay substantially more per month for such a lease. We interpret the Commission's *Report and Order* in this proceeding as allowing EBS licensees to enter into leases of such duration. We understand, however, that the Commission is considering a return to the days when EBS leases were limited to just 15 years duration. While we have not yet decided whether to lease for thirty years or some shorter period of time, we certainly believe that we should have the flexibility to lease for thirty years if we determine that the local educational needs of the Charlotte, Texas market will be best served by such a lease.

Those who would deny us the flexibility to enter into long-term leases presume that we lack the capability of assessing and protecting our long-term educational interests. That simply is not so – EBS licensees have generally proven themselves quite capable of entering into lease agreements that appropriately balance their need for additional revenue for educational purposes against their desire for access to spectrum for the distribution of educational materials. As we evaluate potential leases, we go through a complex calculus in which we balance the price, the term, the amount of excess capacity that we need to access now, the flexibility for us to expand our usage in the future, the technology to be deployed, and the reputation and skills of the lessee. Under some circumstances, we would not want to enter into a thirty-year lease, but under others a thirty year lease term would promote local educational objectives. We do not believe we are unique in this regard. Within the EBS community, some EBS licensees have entered into thirty year leases once the new rules were adopted, while others have continued to lease for only fifteen years. Neither side is "right" or "wrong." Rather, in

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This school district does not discriminate on the basis of sex, disability, race, color, or national origin in its education programs, activities, or employment as required by Title IX, Section 504, and Title VI.

each case the local educator is doing what it believes is best for meeting local educational needs.

Based on our experience to date in the EBS leasing market, we strongly encourage the FCC to afford EBS licensees the flexibility to lease EBS excess capacity for terms of up to thirty years. Not all EBS licensees will elect this option, but the local EBS licensee, and not the FCC, is best situated to balance the costs and benefits of leasing excess capacity for more than fifteen years.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard Joyner".

Richard Joyner
Assistant Superintendent